IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 18241 of 1993

Between:

V.R.Jeji S/o.V.Ramu
R/o.13-6-590,R.K.Lay out Tirupathi,

Chittoor district.

.....PETITIONER

AND

1 Executive Officer T.T.Devastanams
Tirupathi Chittoor District.

2 Joint Executive Officer T.T.Devastanam
Tirumala Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate Writ or direction calling for the records relating to the order of the 2nd respondent passed in Roc.No.K1-415/KKC/TML/93 dated 29-9--1993 and quash the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the RespondentS: MR.M.ADINARAYANA RAJU, Standing Counsel for T.T.D.Tirupathi.

The Court made the following:

ORDER

This Writ Petition is filed seeking to assail the orders passed by the 2nd respondent in Roc.No.K1-415/KKC/TML/93, dated 29-09-1993.

It is the case of the petitioner that he is the member of T.T.D.Kalyana Katta Mirasidar Sangham, a body registered under the Societies Registration Act and he is performing tonsuring services to the pilgrims who visit Tirumala for more than 24 years and there was an agreement dated 25-1-1946 between Commissioner and Dharmakartha and their Sangham President. There was also another agreement between Executive Officer and Sangham in the year 1975 and as the agreement was entered without the consent of the members, he filed a suit on the file of Subordinate Judge, Tirupathi. In view of the same, it is alleged that the 2nd respondent to victimize the petitioner issued a charge memo stating that he has been found absenting himself from duty unauthorisedly and failed to discharge his legitimate duties and causing much hindrance to the Devasthanams and also pilgrims. It is further stated that the petitioner submitted a detailed reply to the charge memo and thereafter a show cause notice was issued to him as to why the petitioner's name should not be removed from the rolls of the society and questionng the same he filed Writ Petition before the Hon'ble High Court and the same was dismissed directing the petitioner to file reply to the show cause notice and therefore he submitted a detailed report. But the

respondents without considering the reply given by the petitioner in proper perspective, removed the petitioner's name from the rolls of the Kalyanakatta. Hence, the Writ Petition.

In the counter filed by the respondents it is stated that the petitioner is rendering service from 1969 and is paid consolidated salary of Rs.1,100/ per month. It is further stated that the petitioner was not discharging his duties satisfactorily and absenting from duty frequently without permission and was in the habit of filing suits and Writ petitions against T.T.D. on false and frivolous grounds. The alleged agreement between the T.T.D. and the Dharmakartha is only to the extent of abolition of Share over the income of the Kalyanakatta and also routine functions of Kalyanakatta. It is further stated in the counter that the Commissioner is empowered to impose punishments under the agreement of 1946 and the same is being continued. The suit filed by the petitioner questioning some of the clauses of 1946 agreement in O.S.No.167/87 was stated to be dismissed. It is further stated when the petitioner was allotted duty in the month of May, 1993 at TBC area, he did not attend the same and it shows his negligence and breach of discipline. Therefore, he was removed from service after giving reasonable opportunity. Hence the respondents sought dismissal of the Writ Petition.

Heard both sides and perused the entire material available on record.

It is evident from the record that the petitioner was working as a barber under badge No.376 in Kalyanakatta, T.T.D. Tirupathi. There were also agreements in the year 1946 and 1975 and the petitioner filed a suit questioning the validity of the agreement of the 1946 and the same was dismissed and that agreement of 1946 became final and binding. That apart, as seen from the statement furnished in the impugned order, dated 19-09-1993, itself it is very clear that the petitioner was absent for duty from January, 1987 to December, 1993 and even in some months he did not attend to his duty for a single day. Further it is not the case of the petitioner that though he was present on the above days furnished in the impugned order, the

respondent marked absent. It is clear from the conduct of the petitioner that he was regularly irregular to his duties, without prior permission or sanction of leave.

In the facts and circumstances of the case, the impugned order removing the petitioner from the rolls of Kalyankatta does not warrants interference. The Writ Petition therefore, fails and it is accordingly dismissed. No costs.

16-09-2004.

Hsd/Nrg

Assistant Registrar

// true copy //

Section Officer

To

1 Executive Officer T.T.Devastanams
Tirupathi Chittoor District.

2 Joint Executive Officer T.T.Devastanam
Tirumala Chittoor District.

3. 2 C.D. copies.